

REMARKS

The Examiner has remarked that Claims 20-73 have been renumbered from claims 34-87 that were initially presented on 19 September 2003, and has requested that Applicants provide a new listing of the claims reflecting the correct claim numbering.

Claims 20-73 remain in this application. Claims 31-73 are withdrawn in light of the restriction requirement. Claims 21-25, 26-39, 41-45, 47-52, 56-58 and 60-73 are amended. No new matter is added by the amendments.

In view of the Examiner's restriction requirement, applicant retains the right to present withdrawn claims 31-73 in a divisional application.

Restriction and Election Requirements

Applicants hereby elect, with traverse, Group I, Claims 20-30, drawn to an isolated PF4AR polypeptide.

While the Examiner asserts that the various claims groups are *distinct*, he does not indicate that these groups are *independent and distinct*. Under 35 U.S.C. § 121, the statutory language is clear that proper restriction practice requires two or more independent and distinct inventions. Moreover, because the nucleic acid claims of Group II (Claims 31-52) largely encode the elected polypeptide claims of Group I, Applicants respectfully submit that the examination of Groups I and II together would not pose an undue burden. Applicants respectfully request reconsideration of the Restriction.

SUMMARY

Claims 20-73 are pending in the application. No Claim is canceled without prejudice to later prosecution.

If in the opinion of the Examiner, a **telephone conference** would expedite the prosecution of the subject application, the Examiner is **strongly encouraged** to call the undersigned at the number indicated below.

This response/amendment is submitted with a transmittal letter and authorization for payments of any fees. In the unlikely event that this document is separated from the transmittal letter or if fees are required, applicants petition the Commissioner to authorize charging our Deposit Account 07-0630 for any fees required or credits due and any extensions of time necessary to maintain the pendency of this application.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
GENENTECH, INC.

Date: August 12, 2005

By: 

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